

COMMITTEE PRINT

[Showing H. R. 3266, as reported
by the Select Committee on Homeland Security on April 2, 2004]

108TH CONGRESS
2D SESSION

H. R. 3266

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. COX introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Faster and Smarter Funding for First Responders Act
 4 of 2004”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Faster and Smarter Funding for First Responders.

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

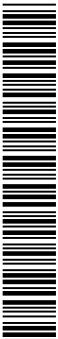
- “1801. Faster and smarter funding for first responders.
- “1802. Essential capabilities for first responders.
- “1803. Task Force on Essential Capabilities for First Responders.
- “1804. Covered grant eligibility and criteria.
- “1805. Use of funds and accountability requirements.
- “1806. National standards for first responder equipment and training.
- “1807. Definitions.

- Sec. 4. Modification of Homeland Security Advisory System.
- “Sec. 203. Homeland Security Advisory System.
- Sec. 5. Coordination of industry efforts.
- Sec. 6. Superseded provision.
- Sec. 7. Sense of Congress regarding interoperable communications.
- Sec. 8. Sense of Congress regarding Citizen Corps councils.
- Sec. 9. Study regarding nationwide emergency notification system.
- Sec. 10. Authorization of appropriations.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) In order to achieve its objective of mini-
 10 mizing the damage, and assisting in the recovery,
 11 from terrorist attacks, the Department of Homeland
 12 Security must play a leading role in assisting com-
 13 munities to reach the level of preparedness they need
 14 to respond to a terrorist attack.



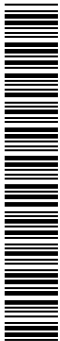
1 (2) First responder funding is not reaching the
2 men and women of our Nation's first response teams
3 quickly enough, and sometimes not at all.

4 (3) To reform the current bureaucratic process
5 so that homeland security dollars reach the first re-
6 sponders who need it most, it is necessary to clarify
7 and consolidate the authority and procedures of the
8 Department of Homeland Security to support first
9 responders.

10 (4) Ensuring adequate resources for the new
11 national mission of homeland security requires a dis-
12 crete and separate grant making process for home-
13 land security funds for first response to terrorist
14 acts, on the one hand, and for first responder pro-
15 grams designed to meet pre-9/11 priorities, on the
16 other.

17 (5) Homeland security grants to first respond-
18 ers must be based on the best intelligence con-
19 cerning the capabilities and intentions of our ter-
20 rorist enemies, and that intelligence must be used to
21 target resources to the Nation's greatest risks,
22 vulnerabilities, and consequences.

23 (6) The Nation's first response capabilities will
24 be improved by sharing resources, training, plan-
25 ning, personnel, and equipment among neighboring

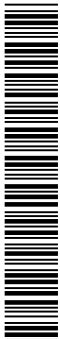


1 jurisdictions through mutual aid agreements and re-
2 gional cooperation. Such regional cooperation should
3 be supported, where appropriate, through direct
4 grants from the Department of Homeland Security.

5 (7) An essential prerequisite to achieving the
6 Nation's homeland security objectives for first re-
7 sponders is the establishment of well-defined na-
8 tional goals for terrorism preparedness. These goals
9 should delineate the essential capabilities that every
10 jurisdiction in the United States should possess or
11 to which it should have access.

12 (8) A national determination of essential capa-
13 bilities is needed to identify levels of State and local
14 government terrorism preparedness, to determine
15 the nature and extent of State and local first re-
16 sponder needs, to identify the human and financial
17 resources required to fulfill them, and to direct fund-
18 ing to meet those needs and to measure prepared-
19 ness levels on a national scale.

20 (9) To facilitate progress in attaining essential
21 capabilities for State and local first responders, the
22 Department of Homeland Security should seek to al-
23 locate homeland security funding for first responders
24 to meet nationwide needs.



1 (10) Private sector resources and citizen volun-
2 teers can perform critical functions in assisting in
3 preventing and responding to terrorist attacks, and
4 should be integrated into State and local planning
5 efforts to ensure that their capabilities and roles are
6 understood, so as to provide enhanced State and
7 local operational capability and surge capacity.

8 (11) Public-private partnerships, such as the
9 partnerships between the Business Executives for
10 National Security and the States of New Jersey and
11 Georgia, can be useful to identify and coordinate pri-
12 vate sector support for State and local first respond-
13 ers. Such models should be expanded to cover all
14 States and territories.

15 (12) An important component of national
16 standards is measurability, so that it is possible to
17 determine how prepared a State or local government
18 is now, and what additional steps it needs to take,
19 in order to respond to acts of terrorism.

20 (13) The Department of Homeland Security
21 should establish, publish, and regularly update na-
22 tional voluntary consensus standards for both equip-
23 ment and training, in cooperation with both public
24 and private sector standard setting organizations, to
25 assist State and local governments in obtaining the



1 equipment and training to attain the essential capa-
2 bilities for first response to acts of terrorism, and to
3 ensure that first responder funds are spent wisely.

4 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**
5 **SPONDERS.**

6 (a) IN GENERAL.—The Homeland Security Act of
7 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is
8 amended—

9 (1) in section 1(b) in the table of contents by
10 adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and smarter funding for first responders.

“1802. Essential capabilities for first responders.

“1803. Task Force on Essential Capabilities for First Responders.

“1804. Covered grant eligibility and criteria.

“1805. Use of funds and accountability requirements.

“1806. National standards for first responder equipment and training.

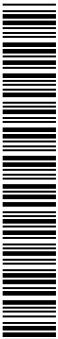
“1807. Definitions.”; and

11 (2) by adding at the end the following:

12 **“TITLE XVIII—FUNDING FOR**
13 **FIRST RESPONDERS**

14 **“SEC. 1801. FASTER AND SMARTER FUNDING FOR FIRST RE-**
15 **SPONDERS.**

16 “(a) COVERED GRANTS.—This title applies to any
17 grant provided by the Department to States or regions to
18 improve the ability of first responders to prevent, prepare
19 for, respond to, or mitigate threatened or actual terrorist
20 attacks, especially those involving weapons of mass de-
21 struction, and including any grant under the following:



1 “(1) STATE HOMELAND SECURITY GRANT PRO-
2 GRAM.—The State Homeland Security Grant Pro-
3 gram of the Department, or any successor to such
4 grant program.

5 “(2) URBAN AREA SECURITY INITIATIVE.—The
6 Urban Area Security Initiative of the Department,
7 or any successor to such grant program.

8 “(b) EXCLUDED PROGRAMS.—This title does not
9 apply to or otherwise affect the following Federal grant
10 programs or any grant under such a program:

11 “(1) NONDEPARTMENT PROGRAMS.—Any Fed-
12 eral grant program that is not administered by the
13 Department.

14 “(2) FIRE GRANT PROGRAMS.—The fire grant
15 programs authorized by sections 33 and 34 of the
16 Federal Fire Prevention and Control Act of 1974
17 (15 U.S.C. 2229, 2229a).

18 “(3) EMERGENCY MANAGEMENT PLANNING
19 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
20 gency Management Performance Grant program and
21 the Urban Search and Rescue Grants program au-
22 thorized by title VI of the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42
24 U.S.C. 5195 et seq.); the Departments of Veterans
25 Affairs and Housing and Urban Development, and



1 Independent Agencies Appropriations Act, 2000
2 (113 Stat. 1047 et seq.); and the Earthquake Haz-
3 ards Reduction Act of 1977 (42 U.S.C. 7701 et
4 seq.).

5 **“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
6 **ERS.**

7 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-
8 TIES.—

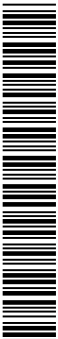
9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish clearly defined essential capabilities for State
11 and local government preparedness for terrorism, in
12 consultation with—

13 “(A) the Task Force on Essential Capabili-
14 ties for First Responders established under sec-
15 tion 1803;

16 “(B) the Under Secretaries for Emergency
17 Preparedness and Response, Border and Trans-
18 portation Security, Information Analysis and
19 Infrastructure Protection, and Science and
20 Technology, and the Director of the Office for
21 Domestic Preparedness;

22 “(C) other appropriate Federal agencies;

23 “(D) State and local first responder agen-
24 cies and officials; and



1 “(E) groups responsible for setting stand-
2 ards relevant to the first responder community.

3 “(2) DEADLINES.—The Secretary shall—

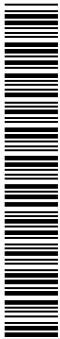
4 “(A) establish essential capabilities under
5 paragraph (1) within 30 days after receipt of
6 the initial submission of a final report under
7 section 1803(c)(2); and

8 “(B) regularly update such essential capa-
9 bilities as necessary, but not less than every 3
10 years.

11 “(3) PROVISION OF ESSENTIAL CAPABILI-
12 TIES.—The Secretary shall ensure that essential ca-
13 pabilities established under paragraph (1) are pro-
14 vided promptly to the States and to the Congress.
15 The States shall make the essential capabilities
16 available as necessary and appropriate to local gov-
17 ernments within their jurisdictions.

18 “(b) OBJECTIVES.—The Secretary shall ensure that
19 essential capabilities established under subsection (a)(1)
20 meet the following objectives:

21 “(1) SPECIFICITY.—The determination of es-
22 sential capabilities specifically shall describe the
23 training, planning, personnel, and equipment that
24 different types of communities in the Nation should
25 possess, or to which they should have access, in



1 order to meet the Department's goals for terrorism
2 preparedness based upon—

3 “(A) the most current risk assessment
4 available by the Directorate for Information
5 Analysis and Infrastructure Protection of the
6 threats of terrorism against the United States;
7 and

8 “(B) the types of threats, vulnerabilities,
9 geography, size, and other factors that the Sec-
10 retary has determined to be applicable to each
11 different type of community.

12 “(2) FLEXIBILITY.—The establishment of es-
13 sential capabilities shall be sufficiently flexible to
14 allow State and local government officials to set pri-
15 orities based on particular needs, while reaching na-
16 tionally determined terrorism preparedness levels
17 within a specified time period.

18 “(3) MEASURABILITY.—The establishment of
19 essential capabilities shall be designed to enable
20 measurement of progress towards specific terrorism
21 preparedness goals.

22 “(c) THREATS TO BE CONSIDERED.—

23 “(1) IN GENERAL.—In establishing essential ca-
24 pabilities under subsection (a)(1), the Secretary spe-
25 cifically shall consider the variables of threat, vulner-



1 ability, and consequences with respect to the Na-
2 tion's population (including transient commuting
3 and tourist populations) and critical infrastructure.
4 Such consideration shall be based upon the most
5 current risk assessment available by the Directorate
6 for Information Analysis and Infrastructure Protec-
7 tion of the threats of terrorism against the United
8 States.

9 “(2) CRITICAL INFRASTRUCTURE SECTORS.—
10 The Secretary specifically shall consider threats of
11 terrorism against the following critical infrastructure
12 sectors in all areas of the Nation, urban and rural:

13 “(A) Agriculture.

14 “(B) Banking and finance.

15 “(C) Chemical industries.

16 “(D) The defense industrial base.

17 “(E) Emergency services.

18 “(F) Energy.

19 “(G) Food.

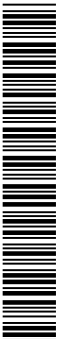
20 “(H) Government.

21 “(I) Postal and shipping.

22 “(J) Public health.

23 “(K) Information and telecommunications
24 networks.

25 “(L) Transportation.



1 “(M) Water.

2 The order in which the critical infrastructure sectors
3 are listed in this paragraph shall not be construed
4 as an order of priority for consideration of the im-
5 portance of such sectors.

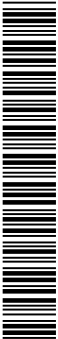
6 “(3) CONSIDERATION OF ADDITIONAL
7 THREATS.—In establishing essential capabilities
8 under subsection (a)(1), the Secretary shall take
9 into account any other specific threat to a popu-
10 lation (including a transient commuting or tourist
11 population) or critical infrastructure sector that the
12 Secretary has determined to exist.

13 **“SEC. 1803. TASK FORCE ON ESSENTIAL CAPABILITIES FOR**
14 **FIRST RESPONDERS.**

15 “(a) ESTABLISHMENT.—To assist the Secretary in
16 establishing essential capabilities under section
17 1802(a)(1), the Secretary shall establish an advisory body
18 to be known as the Task Force on Essential Capabilities
19 for First Responders not later than 60 days after the date
20 of the enactment of this section.

21 “(b) DRAFT REPORT.—

22 “(1) IN GENERAL.—The Task Force shall sub-
23 mit to the Secretary, not later than one year after
24 its establishment by the Secretary under subsection
25 (a) and every 3 years thereafter, a draft report on



1 its recommendations for the essential capabilities all
2 State and local government first responders should
3 possess, or to which they should have access, to en-
4 hance terrorism preparedness, including—

5 “(A) to prevent a terrorist attack;

6 “(B) to protect persons and critical infra-
7 structure against attack; and

8 “(C) to enhance terrorism response and
9 mitigation capabilities if such an attack occurs.

10 “(2) THREATS TO BE CONSIDERED IN DETER-
11 MINING ESSENTIAL CAPABILITIES.—

12 “(A) IN GENERAL.—In reporting to the
13 Secretary on its recommendations for essential
14 capabilities, the Task Force specifically shall
15 consider the critical infrastructure sectors de-
16 scribed in section 1802(c)(2), and the threats to
17 populations in all areas of the Nation, urban
18 and rural, including the following:

19 “(i) Biological threats.

20 “(ii) Nuclear threats.

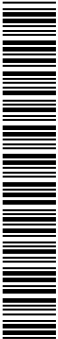
21 “(iii) Radiological threats.

22 “(iv) Incendiary threats.

23 “(v) Chemical threats.

24 “(vi) Explosives.

25 “(vii) Suicide bombers.



1 “(viii) Cyber threats.

2 “(ix) Any other threats based on prox-
3 imity to specific past acts of terrorism or
4 the known activity of any terrorist group.

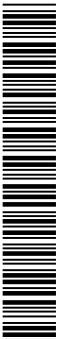
5 “(B) NO PRIORITY.—The order in which
6 the threats are listed in subparagraph (A) shall
7 not be construed as an order of priority for con-
8 sideration of the importance of such threats.

9 “(3) RISK-BASED.—The draft report shall be
10 based upon the most current risk assessment avail-
11 able by the Directorate for Information Analysis and
12 Infrastructure Protection of the threats of terrorism
13 against the United States provided to the Task
14 Force pursuant to subsection (d).

15 “(4) CONTENTS.—The draft report shall—

16 “(A) include a priority ranking of essential
17 capabilities, in order to provide guidance to the
18 Secretary and to the Congress on determining
19 the appropriate allocation of, and funding levels
20 for, first responder needs;

21 “(B) set forth a methodology by which any
22 State or local government will be able to deter-
23 mine the extent to which it possesses or has ac-
24 cess to the essential capabilities that States and



1 local governments having similar risks should
2 obtain;

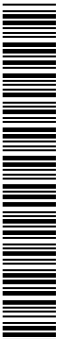
3 “(C) describe the availability of national
4 voluntary consensus standards, and whether
5 there is a need for new national voluntary con-
6 sensus standards, with respect to first re-
7 sponder training and equipment;

8 “(D) include such additional matters as
9 the Secretary may specify in order to further
10 the terrorism preparedness capabilities of first
11 responders; and

12 “(E) include such revisions to the contents
13 of past reports as are necessary to take into ac-
14 count changes in the most current risk assess-
15 ment available by the Directorate for Informa-
16 tion Analysis and Infrastructure Protection or
17 other relevant information as determined by the
18 Secretary.

19 “(c) REVIEW AND REVISION OF DRAFT REPORT.—

20 “(1) REVIEW AND COMMENTS.—Within 30 days
21 after the date of the submission of the draft report
22 by the Task Force under subsection (b), the Sec-
23 retary shall review and provide comments to the
24 Task Force on the contents of the draft report.



1 “(2) REVISION AND SUBMISSION OF FINAL RE-
2 PORT.—Within 30 days after receiving the Sec-
3 retary’s comments, the Task Force shall—

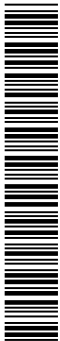
4 “(A) revise its draft report based on the
5 comments provided by the Secretary, and any
6 other comments it has solicited and received, if
7 the Task Force determines that such revisions
8 are appropriate; and

9 “(B) submit the final report on essential
10 capabilities to the Secretary and to the Con-
11 gress.

12 “(d) TASK FORCE ACCESS TO INFORMATION.—

13 “(1) SECURITY CLEARANCES.—For purposes of
14 carrying out its responsibilities under this section,
15 the Task Force shall be provided as a matter of pri-
16 ority appropriate security clearances, including in-
17 terim security clearances.

18 “(2) ACCESS TO FINISHED INTELLIGENCE.—
19 For purposes of carrying out its responsibilities
20 under this section, the Task Force shall be provided
21 access to all finished intelligence and analytic prod-
22 ucts it may request from the Directorate for Infor-
23 mation Analysis and Infrastructure Protection or
24 other sources within the Department concerning the



1 nature and likelihood of terrorist attacks on the ter-
2 ritory of the United States.

3 “(3) ACCESS TO ASSESSMENT TOOLS.—For
4 purposes of carrying out its responsibilities under
5 this section, the Task Force shall be provided access
6 to all tools or methodologies currently or formerly
7 used by the Department and its predecessor organi-
8 zations to assess the preparedness capabilities of
9 State and local governments.

10 “(4) VALID CLEARANCES.—Nothing in this sec-
11 tion shall be considered to authorize a member of
12 the Task Force to have access to classified informa-
13 tion unless that member possesses a valid clearance
14 to receive such information.

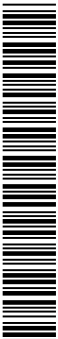
15 “(e) MEMBERSHIP.—

16 “(1) IN GENERAL.—The Task Force shall con-
17 sist of 25 members appointed by the Secretary, and
18 shall—

19 “(A) represent a cross section of first re-
20 sponder disciplines; and

21 “(B) include both State and local rep-
22 resentatives within each discipline.

23 “(2) TERM OF MEMBERS.—Each appointed
24 member of the Task Force shall serve for a term not
25 to exceed 18 months. No individual may be ap-



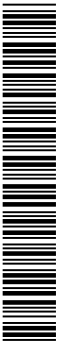
1 pointed as a member of the Task Force for more
2 than 2 terms.

3 “(3) SELECTION OF MEMBERS.—The Secretary
4 shall include in the membership of the Task Force—

5 “(A) members selected from the emergency
6 response field, including firefighters and law en-
7 forcement, hazardous materials response, emer-
8 gency medical services, and emergency manage-
9 ment personnel (including public works per-
10 sonnel routinely engaged in emergency re-
11 sponse);

12 “(B) health scientists, emergency and in-
13 patient medical providers, and public health
14 professionals, including experts in emergency
15 health care response to chemical, biological, ra-
16 diological, and nuclear terrorism, and experts in
17 providing mental health care during emergency
18 response operations;

19 “(C) experts from Federal, State, and local
20 governments, and the private sector, rep-
21 resenting standards-setting organizations, in-
22 cluding representation from the voluntary con-
23 sensus codes and standards development com-
24 munity, particularly those with expertise in fire-



1 fighting, law enforcement, and emergency med-
2 ical services delivery; and

3 “(D) State and local officials with exper-
4 tise in terrorism preparedness, subject to the
5 condition that if any such officials are elected
6 officials, an equal number shall be selected from
7 each of the two major political parties.

8 “(4) EX OFFICIO MEMBERS.—The Secretary
9 shall designate one or more officers of the Depart-
10 ment to serve as ex officio members of the Task
11 Force, one of whom shall be the designated officer
12 of the Federal Government for purposes of sub-
13 section (e) of section 10 of the Federal Advisory
14 Committee Act.

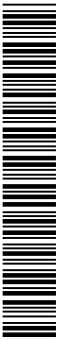
15 “(5) DIVERSITY IN COMPOSITION OF TASK
16 FORCE.—In appointing members to the Task Force,
17 the Secretary shall ensure, to the extent practicable,
18 that its membership—

19 “(A) is geographically diverse;

20 “(B) includes representatives from both
21 rural and urban jurisdictions;

22 “(C) includes representatives from both
23 management and labor;

24 “(D) includes representatives from both
25 uniformed and nonuniformed professions;



1 “(E) includes representatives from both
2 voluntary and professional services;

3 “(F) includes representatives from both
4 government and nongovernment emergency
5 medical services; and

6 “(G) includes sufficient personnel with se-
7 curity clearances necessary to review classified
8 materials that may be needed to conduct the
9 business of the Task Force.

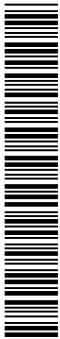
10 “(6) CHAIR.—At the first meeting of the Task
11 Force, the membership of the Task Force appointed
12 under paragraph (3) shall elect a chair of the Task
13 Force.

14 “(f) MEETINGS.—The Task Force shall meet as often
15 as necessary to complete reports in accordance with this
16 section.

17 “(g) PAY.—

18 “(1) IN GENERAL.—Members of the Task
19 Force shall serve without pay by reason of their
20 work on the Task Force.

21 “(2) FEDERAL OFFICERS AND EMPLOYEES.—
22 Members of the Task Force who are officers or em-
23 ployees of the United States shall receive no addi-
24 tional pay by reason of their service as a member of
25 the Task Force.

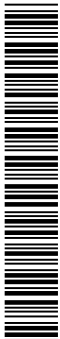


1 “(h) TRAVEL EXPENSES.—Members of the Task
2 Force shall be allowed travel expenses, including per diem
3 in lieu of subsistence, at rates authorized for employees
4 of agencies under subchapter I of chapter 57 of title 5,
5 United States Code, while away from their homes or reg-
6 ular places of business in the performance of services for
7 the Task Force.

8 “(i) SERVICES, FUNDS, AND STAFF.—The Secretary
9 shall provide to the Task Force, on a non-reimbursable
10 basis, such administrative services, funds, staff, facilities,
11 and other support services as the Secretary determines
12 necessary, in consultation with the chair of the Task
13 Force, for the Task Force to perform its duties efficiently
14 and in accordance with this section.

15 “(j) DETAILS.—Upon the request of the Task Force,
16 the Secretary may detail, without reimbursement, any per-
17 sonnel of the Department to assist the Task Force in car-
18 rying out its duties. Any such detail of an employee shall
19 be without interruption or loss of civil service status or
20 privilege.

21 “(k) APPLICABILITY OF FEDERAL ADVISORY COM-
22 MITTEE ACT.—The Federal Advisory Committee Act (5
23 U.S.C. App.), including subsections (a), (b), and (d) of
24 section 10 of such Act, and section 552b(c) of title 5,
25 United States Code, shall apply to the Task Force.



1 **“SEC. 1804. COVERED GRANT ELIGIBILITY AND CRITERIA.**

2 “(a) GRANT ELIGIBILITY.—Any State or region shall
3 be eligible to apply for a covered grant.

4 “(b) GRANT CRITERIA.—In awarding covered grants,
5 the Secretary shall assist States and local governments in
6 achieving the essential capabilities for first responders es-
7 tablished by the Secretary under section 1802.

8 “(c) STATE HOMELAND SECURITY PLANS.—

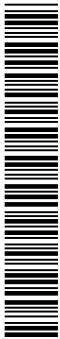
9 “(1) SUBMISSION OF PLANS.—The Secretary
10 shall require that any State applying to the Sec-
11 retary for a covered grant must submit to the Sec-
12 retary a 3-year State homeland security plan that—

13 “(A) demonstrates the extent to which the
14 State has achieved the essential capabilities
15 that apply to the State, and describes the ex-
16 tent to which the State used the methodology
17 developed pursuant to section 1803(b)(4)(B) to
18 evaluate the level of its essential capabilities;

19 “(B) demonstrates the additional needs of
20 the State necessary to achieve the essential ca-
21 pabilities that apply to the State;

22 “(C) includes a prioritization of such addi-
23 tional needs based on threat, vulnerability, and
24 consequence assessment factors applicable to
25 the State;

26 “(D) describes how the State intends—



1 “(i) to address such additional needs
2 at the city, county, regional, State, and
3 interstate level;

4 “(ii) to use all Federal, State, and
5 local resources available for the purpose of
6 addressing such additional needs; and

7 “(iii) to give particular emphasis to
8 regional planning and cooperation, both
9 within its jurisdictional borders and with
10 neighboring States; and

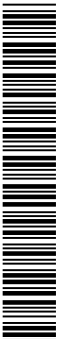
11 “(E) is developed in consultation with and
12 subject to appropriate comment by local govern-
13 ments within the State.

14 “(2) APPROVAL BY SECRETARY.—The Sec-
15 retary may not award any covered grant to a State
16 unless the Secretary has approved the applicable
17 State homeland security plan.

18 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
19 retary shall ensure that each covered grant is used to sup-
20 plement and support, in a consistent and coordinated
21 manner, the applicable State homeland security plan or
22 plans.

23 “(e) APPLICATION FOR GRANT.—

24 “(1) IN GENERAL.—Any State or region may
25 apply for a covered grant by submitting to the Sec-



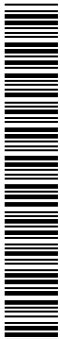
1 retary an application at such time, in such manner,
2 and containing such information as is required
3 under this subsection, or as the Secretary may rea-
4 sonably require.

5 “(2) DEADLINES FOR APPLICATIONS AND
6 AWARDS.—All applications for covered grants must
7 be submitted to the Secretary no later than Feb-
8 ruary 15 of the fiscal year for which they are sub-
9 mitted. The Secretary shall award covered grants
10 pursuant to all approved applications for such fiscal
11 year as soon as practicable, but not later than July
12 31 of such year.

13 “(3) AVAILABILITY OF FUNDS.—All funds
14 awarded by the Secretary under covered grants in a
15 fiscal year shall be available for obligation through
16 the end of the subsequent fiscal year.

17 “(4) MINIMUM CONTENTS OF APPLICATION.—
18 The Secretary shall require that each applicant in-
19 clude in its application, at a minimum—

20 “(A) the purpose for which the applicant
21 seeks covered grant funds and the reasons why
22 the applicant needs the covered grant to meet
23 the essential capabilities for terrorism prepared-
24 ness within the State or region to which the ap-
25 plication pertains;



1 “(B) a description of how, by reference to
2 the applicable State homeland security plan or
3 plans under subsection (c), the allocation of
4 grant funding proposed in the application, in-
5 cluding, where applicable, the amount not
6 passed through under section 1805(e)(1), would
7 assist in fulfilling the essential capabilities spec-
8 ified in such plan or plans;

9 “(C) a statement of whether a mutual aid
10 agreement applies to the use of all or any por-
11 tion of the covered grant funds;

12 “(D) if the applicant is a region—

13 “(i) a precise geographical description
14 of the region and a specification of all par-
15 ticipating and nonparticipating local gov-
16 ernments within the geographical area
17 comprising that region;

18 “(ii) a specification of what govern-
19 mental entity within the region will admin-
20 ister the expenditure of funds under the
21 covered grant; and

22 “(iii) a designation of a specific indi-
23 vidual to serve as regional liaison;



1 “(E) a capital budget showing how the ap-
2 plicant intends to allocate and expend the cov-
3 ered grant funds; and

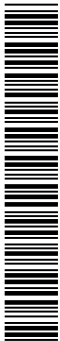
4 “(F) a statement of how the applicant in-
5 tends to meet the matching requirement, if any,
6 that applies under section 1805(e)(2).

7 “(5) REGIONAL APPLICATIONS.—

8 “(A) SUBMISSION TO STATE OR STATES.—
9 To ensure the consistency required under sub-
10 section (d), an applicant that is a region must
11 simultaneously submit its application to the De-
12 partment and to each State of which any part
13 is included in the region.

14 “(B) OPPORTUNITY FOR STATE COM-
15 MENT.—Before awarding any covered grant to
16 a region, the Secretary shall provide an oppor-
17 tunity to each State of which any part is in-
18 cluded in a region, during the 30-day period be-
19 ginning on the date on which the region sub-
20 mits an application for a covered grant, to com-
21 ment to the Secretary on the consistency of the
22 region’s plan with the State’s homeland security
23 plan.

24 “(C) FINAL AUTHORITY.—The Secretary
25 shall have final authority to determine the con-



1 sistency of any regional application with the ap-
2 plicable State homeland security plan or plans
3 and approve any regional application. The Sec-
4 retary shall notify each State of which any part
5 is included in a region of the approval of a re-
6 gional application for that region.

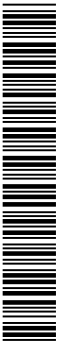
7 “(D) REGIONAL LIAISONS.—A regional li-
8 aision designated under paragraph (4)(D)(iii)
9 shall—

10 “(i) coordinate with Federal, State,
11 local, regional, and private officials within
12 the region concerning terrorism prepared-
13 ness;

14 “(ii) develop a process for receiving
15 input from Federal, State, local, regional,
16 and private sector officials within the re-
17 gion to assist in the development of the re-
18 gional application and to improve the re-
19 gion’s access to covered grants; and

20 “(iii) administer, in consultation with
21 State, local, regional, and private officials
22 within the region, covered grants awarded
23 to the region.

24 “(6) EQUIPMENT STANDARDS.—If an applicant
25 for a covered grant proposes to upgrade or purchase,



1 with assistance provided under the grant, new equip-
2 ment or systems that do not meet or exceed any ap-
3 plicable national voluntary consensus standards es-
4 tablished by the Secretary under section 1806(a),
5 the applicant shall include in the application an ex-
6 planation of why such equipment or systems will
7 serve the needs of the applicant better than equip-
8 ment or systems that meet or exceed such standards.

9 “(f) FIRST RESPONDER GRANTS BOARD.—

10 “(1) ESTABLISHMENT OF BOARD.—The Sec-
11 retary shall establish a First Responder Grants
12 Board, consisting of—

13 “(A) the Secretary;

14 “(B) the Under Secretary for Emergency
15 Preparedness and Response;

16 “(C) the Under Secretary for Border and
17 Transportation Security;

18 “(D) the Under Secretary for Information
19 Analysis and Infrastructure Protection;

20 “(E) the Under Secretary for Science and
21 Technology; and

22 “(F) the Director of the Office for Domes-
23 tic Preparedness.

24 “(2) CHAIRMAN.—



1 “(A) IN GENERAL.—The Secretary shall be
2 the Chairman of the Board.

3 “(B) EXERCISE OF AUTHORITIES BY DEP-
4 UTY SECRETARY.—The Deputy Secretary of
5 Homeland Security may exercise the authorities
6 of the Chairman, if the Secretary so directs.

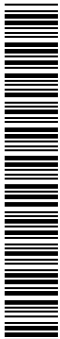
7 “(3) RANKING OF GRANT APPLICATIONS.—

8 “(A) PRIORITIZATION OF GRANTS.—The
9 Board shall evaluate and annually prioritize all
10 pending applications for covered grants based
11 upon the degree to which they would lessen the
12 threat to, vulnerability of, and consequences for
13 persons and critical infrastructure.

14 “(B) ACHIEVING NATIONWIDE CAPA-
15 BILITY.—In evaluating and prioritizing grant
16 applications under subparagraph (A), the Board
17 shall—

18 “(i) seek to achieve and enhance es-
19 sential capabilities throughout the Nation;
20 and

21 “(ii) seek to allocate a portion of the
22 funds available for covered grants each fis-
23 cal year for the purpose of making covered
24 grants to each approved applicant that the



1 Board determines has demonstrated a
2 valid need in its application.

3 “(4) FUNCTIONS OF UNDER SECRETARIES.—

4 The Under Secretaries referred to in paragraph (1)
5 shall seek to ensure that the relevant expertise and
6 input of the staff of their directorates are available
7 to and considered by the Board.

8 **“SEC. 1805. USE OF FUNDS AND ACCOUNTABILITY RE-**
9 **QUIREMENTS.**

10 “(a) IN GENERAL.—A covered grant may be used
11 for—

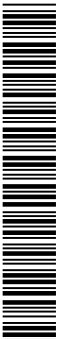
12 “(1) purchasing or upgrading equipment, in-
13 cluding computer software, to enhance terrorism
14 preparedness and response;

15 “(2) exercises to strengthen terrorism prepared-
16 ness and response;

17 “(3) training for prevention (including detec-
18 tion) of, preparedness for, or response to attacks in-
19 volving weapons of mass destruction, including train-
20 ing in the use of equipment and computer software;

21 “(4) developing or updating response plans;

22 “(5) establishing or enhancing mechanisms for
23 sharing terrorism threat information pursuant to
24 this Act;



1 “(6) systems architecture and engineering, pro-
2 gram planning and management, strategy formula-
3 tion and strategic planning, life-cycle systems de-
4 sign, product and technology evaluation, and proto-
5 type development for terrorism preparedness and re-
6 sponse purposes;

7 “(7) additional personnel costs resulting from—
8 “(A) elevations in the threat alert level of
9 the Homeland Security Advisory System;

10 “(B) travel to and participation in exer-
11 cises and training in the use of equipment and
12 on prevention activities; and

13 “(C) the temporary replacement of per-
14 sonnel during any period of travel to and par-
15 ticipation in exercises and training in the use of
16 equipment and on prevention activities;

17 “(8) the costs of equipment (including software)
18 required to receive, transmit, handle, and store clas-
19 sified information;

20 “(9) enhancing facilities to serve as operations
21 centers, or hardening critical infrastructure against
22 potential attack by the addition of barriers, fences,
23 gates, and other such devices;

24 “(10) the costs of commercially available equip-
25 ment that complies with, where applicable, national



1 voluntary consensus standards, and that facilitates
2 interoperability, coordination, and integration be-
3 tween emergency communications systems,
4 including—

5 “(A) mobile vehicles that contain equip-
6 ment such as commercial telephone trunk lines,
7 VHF and UHF radios, patch panels, and
8 crosspatches, among other technologies and
9 equipment; and

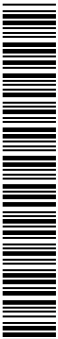
10 “(B) communications system overlay soft-
11 ware and hardware that allow multiple dis-
12 parate communications networks to act as one
13 network;

14 “(11) educational curricula development for
15 first responders to ensure that they are prepared for
16 terrorist attacks;

17 “(12) training and exercises to assist public ele-
18 mentary and secondary schools in developing and
19 implementing programs to instruct students regard-
20 ing age-appropriate skills to prepare for and respond
21 to an act of terrorism; and

22 “(13) other appropriate activities as determined
23 by the Secretary.

24 “(b) PROHIBITED USES.—Funds provided as a cov-
25 ered grant may not be used—



1 “(1) to supplant State or local funds for, or
2 otherwise support, traditional missions of State and
3 local law enforcement, firefighters, emergency med-
4 ical services, or public health agencies, unless such
5 support serves a dual purpose and the funds are pri-
6 marily intended to enhance terrorism preparedness;

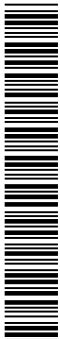
7 “(2) to construct buildings or other physical fa-
8 cilities;

9 “(3) to acquire land; or

10 “(4) for any State or local government cost
11 sharing contribution.

12 “(c) ASSISTANCE REQUIREMENT.—The Secretary
13 may not request that equipment paid for, wholly or in
14 part, with funds provided as a covered grant be made
15 available for responding to emergencies in surrounding
16 States, regions, and localities, unless the Secretary under-
17 takes to pay the costs directly attributable to transporting
18 and operating such equipment during such response.

19 “(d) FLEXIBILITY IN UNSPENT HOMELAND SECU-
20 RITY GRANT FUNDS.—Upon request by the recipient of
21 a covered grant, the Secretary may authorize the grantee
22 to transfer all or part of funds provided as the covered
23 grant from uses specified in the grant agreement to other
24 uses authorized under this section, if the Secretary deter-



1 mines that such transfer is in the interests of homeland
2 security.

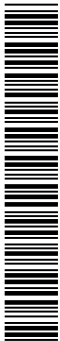
3 “(e) STATE AND REGIONAL RESPONSIBILITIES.—

4 “(1) PASS-THROUGH.—The Secretary shall re-
5 quire a recipient of a covered grant that is a State
6 to obligate or otherwise make available to local gov-
7 ernments, first responders, and other local groups,
8 to the extent required under the State homeland se-
9 curity plan or plans specified in the application for
10 the grant, not less than 80 percent of the grant
11 funds, resources purchased with the grant funds
12 having a value equal to at least 80 percent of the
13 amount of the grant, or a combination thereof, by
14 not later than the end of the 45-day period begin-
15 ning on the date the grant recipient receives the
16 grant funds.

17 “(2) COST SHARING.—

18 “(A) IN GENERAL.—The Federal share of
19 the costs of an activity carried out with a cov-
20 ered grant to a State or region awarded after
21 the 2-year period beginning on the date of the
22 enactment of this section shall not exceed 75
23 percent.

24 “(B) INTERIM RULE.—The Federal share
25 of the costs of an activity carried out with a

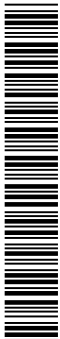


1 covered grant awarded before the end of the 2-
2 year period beginning on the date of the enact-
3 ment of this section shall be 100 percent.

4 “(C) IN-KIND MATCHING.—Each recipient
5 of a covered grant may meet the matching re-
6 quirement under subparagraph (A) by making
7 in-kind contributions of goods or services that
8 are directly linked with the purpose for which
9 the grant is made, including, but not limited to,
10 any necessary personnel overtime, contractor
11 services, administrative costs, equipment fuel
12 and maintenance, and rental space.

13 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
14
15 Any State that receives a covered grant shall certify
16 to the Secretary, by not later than 30 days after the
17 expiration of the period described in paragraph (1)
18 with respect to the grant, that the State has made
19 available for expenditure by local governments, first
20 responders, and other local groups the required
21 amount of grant funds pursuant to paragraph (1).

22 “(4) REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit
23 a report to the Secretary not later than 60 days
24 after the end of each fiscal year. Each recipient of
25



1 a covered grant that is a region must simultaneously
2 submit its report to each State of which any part is
3 included in the region. Each report must include the
4 following:

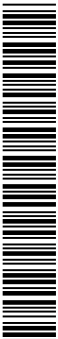
5 “(A) The amount, ultimate recipients, and
6 dates of receipt of all funds received under the
7 grant during the previous fiscal year.

8 “(B) The amount and the dates of dis-
9 bursements of all such funds expended in com-
10 pliance with paragraph (1) or pursuant to mu-
11 tual aid agreements or other sharing arrange-
12 ments that apply within the State or region, as
13 applicable, during the previous fiscal year.

14 “(C) How the funds were utilized by each
15 ultimate recipient or beneficiary during the pre-
16 ceding fiscal year.

17 “(D) The extent to which essential capa-
18 bilities identified in the applicable State home-
19 land security plan or plans were achieved or en-
20 hanced as the result of the expenditure of grant
21 funds during the preceding fiscal year.

22 “(E) The extent to which essential capa-
23 bilities identified in the applicable State home-
24 land security plan or plans remain unmet.



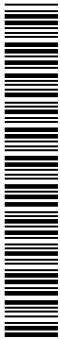
1 “(5) INCLUSION OF RESTRICTED ANNEXES.—A
2 recipient of a covered grant may submit to the Sec-
3 retary an annex to the report under paragraph (4)
4 that is subject to appropriate handling restrictions,
5 if the recipient believes that discussion in the report
6 of unmet needs would reveal sensitive but unclassi-
7 fied information.

8 “(6) PROVISION OF REPORTS.—The Secretary
9 shall ensure that each report under paragraph (4) is
10 provided to the Under Secretary for Emergency Pre-
11 paredness and Response and the Director of the Of-
12 fice for Domestic Preparedness.

13 “(f) INCENTIVES TO EFFICIENT ADMINISTRATION OF
14 HOMELAND SECURITY GRANTS.—

15 “(1) PENALTIES FOR DELAY IN PASSING
16 THROUGH LOCAL SHARE.—If a recipient of a cov-
17 ered grant that is a State fails to pass through to
18 local governments, first responders, and other local
19 groups funds or resources required by subsection
20 (e)(1) within 45 days after receiving funds under the
21 grant, the Secretary may—

22 “(A) reduce grant payments to the grant
23 recipient from the portion of grant funds that
24 is not required to be passed through under sub-
25 section (e)(1);



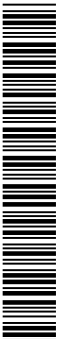
1 “(B) terminate payment of funds under
2 the grant to the recipient, and transfer the ap-
3 propriate portion of those funds directly to local
4 first responders that were intended to receive
5 funding under that grant; or

6 “(C) impose additional restrictions or bur-
7 dens on the recipient’s use of funds under the
8 grant, which may include—

9 “(i) prohibiting use of such funds to
10 pay the grant recipient’s grant-related
11 overtime or other expenses;

12 “(ii) requiring the grant recipient to
13 distribute to local government beneficiaries
14 all or a portion of grant funds that are not
15 required to be passed through under sub-
16 section (e)(1); or

17 “(iii) for each day that the grant re-
18 cipient fails to pass through funds or re-
19 sources in accordance with subsection
20 (e)(1), reducing grant payments to the
21 grant recipient from the portion of grant
22 funds that is not required to be passed
23 through under subsection (e)(1), except
24 that the total amount of such reduction



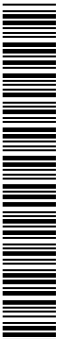
1 may not exceed 20 percent of the total
2 amount of the grant.

3 “(2) EXTENSION OF PERIOD.—The Governor of
4 a State may request in writing that the Secretary
5 extend the 45-day period under paragraph (1) for an
6 additional 15-day period. The Secretary may ap-
7 prove such a request, and may extend such period
8 for additional 15-day periods, if the Secretary deter-
9 mines that the resulting delay in providing grant
10 funding to the local government entities that will re-
11 ceive funding under the grant will not have a signifi-
12 cant detrimental impact on such entities’ terrorism
13 preparedness efforts.

14 “(3) PROVISION OF NON-LOCAL SHARE TO
15 LOCAL GOVERNMENT.—

16 “(A) IN GENERAL.—The Secretary may
17 upon request by a local government pay to the
18 local government a portion of the amount of a
19 covered grant awarded to a State in which the
20 local government is located, if—

21 “(i) the local government will use the
22 amount paid to expedite planned enhance-
23 ments to its terrorism preparedness as de-
24 scribed in any applicable State homeland
25 security plan or plans;



1 “(ii) the State has failed to pass
2 through funds or resources in accordance
3 with subsection (e)(1); and

4 “(iii) the local government complies
5 with subparagraphs (B) and (C).

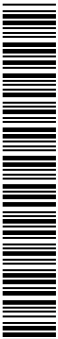
6 “(B) SHOWING REQUIRED.—To receive a
7 payment under this paragraph, a local govern-
8 ment must demonstrate that—

9 “(i) it is identified explicitly as an ul-
10 timate recipient or intended beneficiary in
11 the approved grant application;

12 “(ii) it was intended by the grantee to
13 receive a severable portion of the overall
14 grant for a specific purpose that is identi-
15 fied in the grant application;

16 “(iii) it petitioned the grantee for the
17 funds or resources after expiration of the
18 period within which the funds or resources
19 were required to be passed through under
20 subsection (e)(1); and

21 “(iv) it did not receive the portion of
22 the overall grant that was earmarked or
23 designated for its use or benefit.



1 “(C) EFFECT OF PAYMENT.—Payment of
2 grant funds to a local government under this
3 paragraph—

4 “(i) shall not affect any payment to
5 another local government under this para-
6 graph; and

7 “(ii) shall not prejudice consideration
8 of a request for payment under this para-
9 graph that is submitted by another local
10 government.

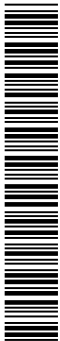
11 “(D) DEADLINE FOR ACTION BY SEC-
12 RETARY.—The Secretary shall approve or dis-
13 approve each request for payment under this
14 paragraph by not later than 15 days after the
15 date the request is received by the Department.

16 “(g) REPORTS TO CONGRESS.—The Secretary shall
17 submit an annual report to the Congress by December 31
18 of each year—

19 “(1) describing in detail the amount of Federal
20 funds provided as covered grants that were directed
21 to each State and region in the preceding fiscal year;

22 “(2) containing information on the use of such
23 grant funds by grantees; and

24 “(3) describing, on a nationwide and State-by-
25 State basis—



1 “(A) the extent to which essential capabili-
2 ties identified in applicable State homeland se-
3 curity plan or plans were created or enhanced
4 as the result of the expenditure of covered
5 grant funds during the preceding fiscal year;

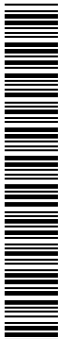
6 “(B) the extent to which essential capabili-
7 ties identified in applicable State homeland se-
8 curity plan or plans remain unmet; and

9 “(C) an estimate of the amount of Federal,
10 State, and local expenditures required to attain
11 across the United States the essential capabili-
12 ties established under section 1802(a).

13 **“SEC. 1806. NATIONAL STANDARDS FOR FIRST RESPONDER**
14 **EQUIPMENT AND TRAINING.**

15 “(a) EQUIPMENT STANDARDS.—

16 “(1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Under Secretary for Science and Tech-
18 nology and the Director of the Office for Domestic
19 Preparedness, shall, not later than 6 months after
20 the date of enactment of this section, support the
21 development of, promulgate, and update as nec-
22 essary national voluntary consensus standards for
23 the performance, use, and validation of first re-
24 sponder equipment for purposes of section
25 1804(e)(6). Such standards—



1 “(A) shall be, to the maximum extent prac-
2 ticable, consistent with any existing voluntary
3 consensus standards;

4 “(B) shall take into account, as appro-
5 priate, new types of terrorism threats that may
6 not have been contemplated when such existing
7 standards were developed; and

8 “(C) shall be focused on maximizing inter-
9 operability, interchangeability, durability, flexi-
10 bility, efficiency, efficacy, portability, sustain-
11 ability, and safety.

12 “(2) REQUIRED CATEGORIES.—In carrying out
13 paragraph (1), the Secretary shall specifically con-
14 sider the following categories of first responder
15 equipment:

16 “(A) Thermal imaging equipment.

17 “(B) Radiation detection and analysis
18 equipment.

19 “(C) Biological detection and analysis
20 equipment.

21 “(D) Chemical detection and analysis
22 equipment.

23 “(E) Decontamination and sterilization
24 equipment.



1 “(F) Personal protective equipment, in-
2 cluding garments, boots, gloves, and hoods and
3 other protective clothing.

4 “(G) Respiratory protection equipment.

5 “(H) Interoperable communications, in-
6 cluding wireless and wireline voice, video, and
7 data networks.

8 “(I) Explosive mitigation devices and ex-
9 plosive detection and analysis equipment.

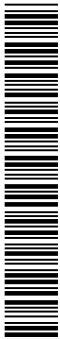
10 “(J) Containment vessels.

11 “(K) Contaminant-resistant vehicles.

12 “(L) Such other equipment for which the
13 Secretary determines that national voluntary
14 consensus standards would be appropriate.

15 “(b) TRAINING STANDARDS.—

16 “(1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Under Secretaries for Emergency Pre-
18 paredness and Response and Science and Tech-
19 nology and the Director of the Office for Domestic
20 Preparedness, shall support the development of, pro-
21 mulgate, and regularly update as necessary national
22 voluntary consensus standards for first responder
23 training carried out with amounts provided under
24 covered grant programs, that will enable State and
25 local government first responders to achieve optimal



1 levels of terrorism preparedness as quickly as prac-
2 ticable. Such standards shall give priority to pro-
3 viding training to—

4 “(A) enable first responders to prevent,
5 prepare for, respond to, and mitigate terrorist
6 threats, including threats from chemical, bio-
7 logical, nuclear, and radiological weapons and
8 explosive devices capable of inflicting significant
9 human casualties; and

10 “(B) familiarize first responders with the
11 proper use of equipment, including software,
12 developed pursuant to the standards established
13 under subsection (a).

14 “(2) REQUIRED CATEGORIES.—In carrying out
15 paragraph (1), the Secretary specifically shall in-
16 clude the following categories of first responder ac-
17 tivities:

18 “(A) Regional planning.

19 “(B) Joint exercises.

20 “(C) Intelligence collection, analysis, and
21 sharing.

22 “(D) Emergency notification of affected
23 populations.



1 “(E) Detection of biological, nuclear, radi-
2 ological, and chemical weapons of mass destruc-
3 tion.

4 “(F) Such other activities for which the
5 Secretary determines that national voluntary
6 consensus training standards would be appro-
7 priate.

8 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
9 TIONS.—In establishing national voluntary consensus
10 standards for first responder equipment and training
11 under this section, the Secretary shall consult with rel-
12 evant public and private sector groups, including—

13 “(1) the National Institute of Standards and
14 Technology;

15 “(2) the National Fire Protection Association;

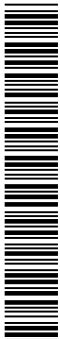
16 “(3) the National Association of County and
17 City Health Officials;

18 “(4) the Association of State and Territorial
19 Health Officials;

20 “(5) the American National Standards Insti-
21 tute;

22 “(6) the National Institute of Justice;

23 “(7) the Inter-Agency Board for Equipment
24 Standardization and Interoperability;



1 “(8) the National Public Health Performance
2 Standards Program;

3 “(9) the National Institute for Occupational
4 Safety and Health;

5 “(10) ASTM International; and

6 “(11) to the extent the Secretary considers ap-
7 propriate, other national voluntary consensus stand-
8 ards development organizations, other interested
9 Federal, State, and local agencies, and other inter-
10 ested persons.

11 **“SEC. 1807. DEFINITIONS.**

12 “In this title:

13 “(1) BOARD.—The term ‘Board’ means the
14 First Responder Grants Board established under
15 section 1804(f).

16 “(2) COVERED GRANT.—The term ‘covered
17 grant’ means any grant to which this title applies
18 under section 1801.

19 “(3) ELEVATIONS IN THE THREAT ALERT
20 LEVEL.—The term ‘elevations in the threat alert
21 level’ means any designation (including those that
22 are less than national in scope) that raises the
23 homeland security threat level to either the highest
24 or second highest threat level under the Homeland



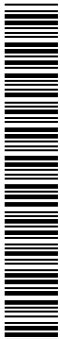
1 Security Advisory System referred to in section
2 201(d)(7).

3 “(4) ESSENTIAL CAPABILITIES.—The term ‘es-
4 sential capabilities’ means the levels, availability,
5 and competence of emergency personnel, planning,
6 training, and equipment across a variety of dis-
7 ciplines needed to effectively and efficiently prevent,
8 prepare for, and respond to acts of terrorism con-
9 sistent with established practices.

10 “(5) REGION.—The term ‘region’ means—

11 “(A) any geographic area consisting of all
12 or parts of 2 or more contiguous States, coun-
13 ties, municipalities, or other local governments
14 that have a combined population of at least
15 1,650,000 or have an area of not less than
16 20,000 square miles, and that, for purposes of
17 an application for a covered grant, is rep-
18 resented by 1 or more governments or govern-
19 mental agencies within such geographic area,
20 and that is established by law or by agreement
21 of 2 or more such governments or governmental
22 agencies in a mutual aid agreement; or

23 “(B) any other combination of contiguous
24 local government units (including such a com-
25 bination established by law or agreement of two



1 or more governments or governmental agencies
2 in a mutual aid agreement) that is formally cer-
3 tified by the Secretary as a region for purposes
4 of this Act with the consent of—

5 “(i) the State or States in which they
6 are located, including a multi-State entity
7 established by a compact between two or
8 more States; and

9 “(ii) the incorporated municipalities,
10 counties, and parishes which they encom-
11 pass.

12 “(6) TASK FORCE.—The term ‘Task Force’
13 means the Task Force on Essential Capabilities for
14 First Responders established under section 1803.

15 “(7) FIRST RESPONDER.—The term ‘first re-
16 sponder’ shall have the same meaning as the term
17 ‘emergency response provider’.”.

18 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
19 VIDERS.—Section 2(6) of the Homeland Security Act of
20 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended
21 by inserting “fire,” after “law enforcement,”.

22 (c) TEMPORARY LIMITATION ON APPLICATION.—The
23 following provisions of title XVIII of the Homeland Secu-
24 rity Act of 2002, as amended by subsection (a), shall not



1 apply during the 2 year period beginning on the date of
2 the enactment of this Act:

3 (1) Subsections (b), (c), (e) (except paragraph
4 (5) of such subsection), and (f)(3)(B) of section
5 1804.

6 (2) Subparagraphs (D) and (E) of section
7 1805(e)(4).

8 (3) Section 1805(g)(3).

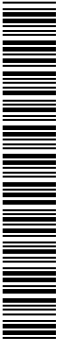
9 **SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVI-**
10 **SORY SYSTEM.**

11 (a) IN GENERAL.—Subtitle A of title II of the Home-
12 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.
13 121 et seq.) is amended by adding at the end the fol-
14 lowing:

15 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

16 “(a) IN GENERAL.—The Secretary shall revise the
17 Homeland Security Advisory System referred to in section
18 201(d)(7) to require that any designation of a threat level
19 or other warning shall be accompanied by a designation
20 of the geographic regions or economic sectors to which the
21 designation applies.

22 “(b) REPORTS.—The Secretary shall report to the
23 Congress annually by not later than December 31 each
24 year regarding the geographic region-specific warnings
25 and economic sector-specific warnings issued during the



1 preceding fiscal year under the Homeland Security Advi-
2 sory System referred to in section 201(d)(7), and the
3 bases for such warnings. The report shall be submitted
4 in unclassified form and may, as necessary, include a clas-
5 sified annex.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1(b) of the Homeland Security Act of 2002 (6
8 U.S.C. 101 et seq.) is amended by inserting after the item
9 relating to section 202 the following:

“203. Homeland Security Advisory System.”.

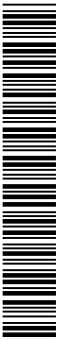
10 **SEC. 5. COORDINATION OF INDUSTRY EFFORTS.**

11 Section 102(f) of the Homeland Security Act of 2002
12 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by
13 striking “and” after the semicolon at the end of paragraph
14 (6), by striking the period at the end of paragraph (7)
15 and inserting “; and”, and by adding at the end the fol-
16 lowing:

17 “(8) coordinating industry efforts to identify
18 private sector resources and capabilities that could
19 be effective in supplementing Federal, State, and
20 local government agency efforts to prevent or re-
21 spond to a terrorist attack.”.

22 **SEC. 6. SUPERSEDED PROVISION.**

23 This Act supersedes section 1014 of Public Law 107–
24 56.



1 **SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE**
2 **COMMUNICATIONS.**

3 (a) FINDING.—The Congress finds that—

4 (1) many first responders working in the same
5 jurisdiction or in different jurisdictions cannot effec-
6 tively and efficiently communicate with one another,
7 and

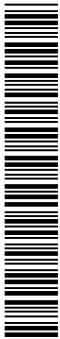
8 (2) their inability to do so threatens the public's
9 safety and may result in unnecessary loss of lives
10 and property.

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that it is of national importance that interoper-
13 able emergency communications systems that to the extent
14 possible meet national voluntary consensus standards
15 should be developed and promulgated as soon as prac-
16 ticable for use by the first responder community.

17 **SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS**
18 **COUNCILS.**

19 (a) FINDING.—The Congress finds that Citizen
20 Corps councils help to enhance local citizen participation
21 in terrorism preparedness by coordinating multiple Citizen
22 Corps programs, developing community action plans, as-
23 sessing possible threats, and identifying local resources.

24 (b) SENSE OF CONGRESS.—It is the sense of the
25 Congress that individual Citizen Corps councils should
26 seek to enhance the preparedness and response capabilities



1 of all organizations participating in the councils, including
2 by providing funding to as many of their participating or-
3 ganizations as practicable to promote local terrorism pre-
4 paredness programs.

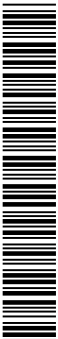
5 **SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-**
6 **TIFICATION SYSTEM.**

7 (a) STUDY.—The Secretary of Homeland Security, in
8 consultation with the heads of other appropriate Federal
9 agencies and representatives of providers and participants
10 in the telecommunications industry, shall conduct a study
11 to determine whether it is cost-effective, efficient, or fea-
12 sible to establish and implement an emergency telephonic
13 alert notification system that will—

14 (1) alert persons in the United States of immi-
15 nent or current hazardous events caused by acts of
16 terrorism; and

17 (2) provide information to individuals regarding
18 appropriate measures that may be undertaken to al-
19 leviate or minimize threats to their safety and wel-
20 fare posed by such events.

21 (b) TECHNOLOGIES TO CONSIDER.—In conducting
22 the study, the Secretary shall consider the use of the tele-
23 phone, wireless communications, and other existing com-
24 munications networks to provide such notification.



1 (c) REPORT.—Not later than 9 months after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Congress a report regarding the conclusions of the
4 study.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 For making covered grants (as that term is defined
7 in section 1807 of the Homeland Security Act of 2002,
8 as amended by this Act) there is authorized to be appro-
9 priated to the Secretary of Homeland Security
10 \$3,400,000,000 for fiscal year 2006.

